

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED

for the

Northern District of California

APR 20 2011

United States of America)

v.)

Reginald Shaun CARTER)

Case No.)

4-11-70450 MAG

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 29, 2011 in the county of Contra Costa in the
Northern District of California, the defendant(s) violated:

Code Section

21 U.S.C. § 841(a)(1)

Offense Description

Possession with intent to distribute a Schedule II controlled substance,
namely, a mixture and substance containing a detectable amount of
methamphetamine.

This criminal complaint is based on these facts:

See attached AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

☒ Continued on the attached sheet.

APPROVED AS TO FORM:

AUSA JAMES C. MANN



Complainant's signature

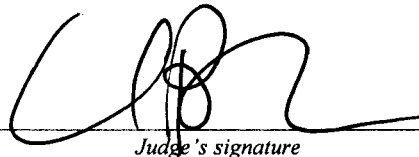
FBI Special Agent Patrick Joseph Ernst

Printed name and title

Sworn to before me and signed in my presence.

Date:

Apr 20 2011



Judge's signature

City and state: Oakland, California

Laurel Beeler, U.S. Magistrate Judge

Printed name and title

Document No.
16
District Court
Criminal Case Processing

1 **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

2 I, Patrick Joseph Ernst, Special Agent of the Federal Bureau of Investigation, being duly
3 sworn, hereby declare as follows:

4 **I. INTRODUCTION**

5 1. I am a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the
6 San Francisco Division and have been so employed since August 15, 2010. As a federal agent, I
7 am authorized to investigate violations of the laws of the United States and I am a law
8 enforcement officer with authority to execute warrants issued under the authority of the United
9 States. My FBI Special Agent training consisted of a twenty-one week new agent training class
10 during which I received instruction on various aspects of federal crime. Prior to becoming an
11 FBI Special Agent, I was a Special Agent for the Internal Revenue Service–Criminal
12 Investigation (IRS–CI) for approximately five years. As a Special Agent for IRS–CI, I trained at
13 the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia for twenty-four
14 weeks. Training at FLETC consisted of instruction on legal principles and a variety of federal
15 criminal violations, including money laundering, tax evasion, and other tax-related crimes. I
16 have conducted criminal investigations involving investment fraud, money laundering, tax
17 evasion and other financial crimes, as well as violations of the Bank Secrecy Act. I have also
18 participated in the planning and execution of numerous federal search, seizure, and arrest
19 warrants involving the above violations.

20 2. During the course of this investigation, I have consulted with Special Agent
21 Gregory M. Eckhart. SA Eckhart has been an FBI Special Agent since August 2003. He is
22 currently assigned to the San Francisco Field Division of the FBI, and investigates cases
23 involving gangs, drug trafficking, and violent fugitives. He has received training at the FBI
24 Academy in Quantico, Virginia, including training on violent street gangs, criminal case
25 management, informant development, Title III investigations and the identification, use,
26 packaging and sales of controlled substances. SA Eckhart also attended numerous training
27 schools and seminars related to gangs, violent crime, and narcotics investigations, including
28 many that provided instruction on drug-trafficking methods, money laundering methods, and

1 techniques for investigating those crimes. SA Eckhart has participated in the execution of
2 numerous state and federal search warrants and arrests involving alleged narcotics trafficking,
3 and he has participated in numerous investigations of narcotics traffickers and violent street
4 gangs. These investigations have involved the use of confidential informants, wire and physical
5 surveillance, telephone toll analysis, investigative interviews and the service of search and arrest
6 warrants.

7 3. SA Eckhart has interviewed numerous drug dealers, drug users, and
8 knowledgeable confidential informants about the lifestyles, appearances, and habits of drug
9 dealers and users. He is familiar with the manner in which narcotics traffickers smuggle,
10 package, transport, store and distribute narcotics, as well as how they collect and launder drug
11 proceeds. He has had discussions with other law enforcement personnel about the packaging and
12 preparation of narcotics, the distribution methods of illegal narcotics traffickers, and the security
13 measures that narcotics traffickers often employ. SA Eckhart has also examined documentation
14 of various methods by which methamphetamine, cocaine, marijuana, and other illicit drugs are
15 smuggled, transported and distributed. He has participated in surveillance of narcotics
16 traffickers. During surveillance, SA Eckhart has observed narcotics transactions, counter-
17 surveillance techniques, and the ways in which narcotics traffickers conduct clandestine
18 meetings. He has also participated in investigations that involved the interception of wire
19 communications, and he has been directly involved in the review and deciphering of intercepted
20 coded-conversations between narcotics traffickers that were later corroborated by surveillance or
21 by defendants' statements.

22 4. SA Eckhart is one of the case agents participating in the investigation of Joseph
23 Solice ABBATE, aka Sherman Joseph Fisher, aka "Butch," aka "Mac Dre," aka "Andre Hicks"
24 (ABBATE); Ramon RUBIO, aka "Primo" (RUBIO); and others, for narcotics trafficking and
25 firearms-related offenses.

26 **II. PURPOSE OF THIS AFFIDAVIT**

27 5. This affidavit is being submitted in support of a criminal complaint and arrest
28 warrant charging Reginald Shaun CARTER with possession with the intent to distribute

1 methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1).

2 6. Because this affidavit is being submitted for the limited purpose of securing a
3 criminal complaint and arrest warrant, I have not included each and every fact known to me
4 concerning this investigation. I have set forth only those facts that I believe are necessary to
5 establish probable cause to believe that, on or about January 29, 2011, Reginald Shaun CARTER
6 knowingly and intentionally possessed with intent to distribute a Schedule II controlled
7 substance, namely, a mixture and substance containing a detectable amount of
8 methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The statements contained in this
9 affidavit are based on information provided to me by law enforcement officers as well as my
10 training, experience, and knowledge of this investigation.

11 7. In this affidavit I describe wire and electronic communications that have been
12 intercepted pursuant to the interception orders in this investigation. In doing so, I have
13 summarized portions of some, but not all, of the intercepted conversations. My summaries of
14 these conversations are based on my personal review of recordings of the intercepted
15 conversations, my training, experience, and knowledge of this investigation, notes of monitoring
16 personnel and/or reviewers which were taken while the recorded conversations were occurring or
17 at the time the conversations were reviewed, and/or other law enforcement personnel as to the
18 meaning of vague or coded language and certain words and phrases. My summaries of the
19 conversations are overviews and are not intended as verbatim transcripts. Even so, I have
20 included in quotation marks my best attempt to provide a draft transcript of some of the speakers'
21 words during the conversations. In some instances, I have only set forth the pertinent parts of
22 sentences and I have used ellipses in some sentences instead of words or phrases that are
23 unnecessary, profane, or repetitive. Subsequent review of the recorded conversations and the
24 preparation of verbatim transcripts may show changes from the summaries provided herein. In
25 addition, I know, based on my training, experience, and knowledge of this investigation (as well
26 as the training, experience, and knowledge of other Agents with whom I have spoken) that
27 criminal street gang members/associates and narcotics traffickers frequently use slang or coded
28 or intentionally vague language when discussing illegal activity, particularly narcotics trafficking

1 or firearms use and/or possession. When a word or phrase used by a speaker constitutes slang or
2 coded or intentionally vague language (or whose meaning would not be obvious to a layperson) I
3 have provided my interpretation of those words and/or phrases in parentheses. My
4 interpretations are based on my knowledge of and participation in this investigation and my
5 discussions with SA Eckhart and with other experienced law enforcement personnel. My
6 interpretations, however, may change as additional information is learned through the course of
7 the investigation. The actual names of callers have been used where agents believe they have
8 tentatively determined the identities of the callers, or where their voices are recognized by the
9 monitoring personnel or reviewers. Finally, once I have identified the telephone number used by
10 a given person in an intercepted conversation, I will not repeat that telephone number in my
11 descriptions of subsequent intercepted conversations unless that person uses a telephone number
12 different than the number he or she previously used. All times are approximate and all locations
13 are in California unless otherwise noted.

14 **III. PROBABLE CAUSE**

15 8. The wiretap portion of the investigation into the drug-trafficking activities of
16 Joseph Solice ABBATE has been ongoing since September 2010. Over the course of the
17 investigation, Agents have identified ABBATE and Reginald Shaun CARTER by comparing
18 relevant surveillance observations with their respective DMV photographs. ABBATE and
19 CARTER were identified as the users of the below telephones through the interception of
20 telephone calls made by each of them, and the surveillance conducted of the activities discussed
21 during the intercepted telephone calls (i.e., ABBATE and/or CARTER were seen in the locations
22 or participating in the activities referenced in the preceding telephone calls).

23 9. On January 29, 2011, at 4:15 p.m., a call was intercepted between Reginald Shaun
24 CARTER using (510) 478-4467 (subscribed to Ron Jennings, 3219 Andrade Avenue, Richmond,
25 California 94804) and Joseph Solice ABBATE using (510) 860-8197 (Session 2119). During the
26 conversation, CARTER asked: "You got something, you got anything different?" ABBATE
27 responded: "Yep, yeah, I just some, uh, yesterday." CARTER stated: "Man, cause I need, can I,
28 can I trade in part of this, cause I sold like ten of it, but (unintelligible)." ABBATE asked: "From

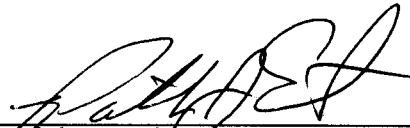
1 the one I just gave you?" CARTER confirmed and later stated: "Half of it don't come back
2 (unintelligible)." ABBATE stated: "That shit was good right there bro. I got people still calling
3 me for that shit. . . . Are you sure it's the same shit?" CARTER confirmed, and ABBATE
4 stated: "You shoulda call me right away though man, it's been like a few days already."
5 CARTER later stated: "I don't have to call you unless I know, you know what I mean, I don't
6 wanna just call (unintelligible)." ABBATE stated: "Ain't nobody else complaining about that
7 though or said anything like that about that." CARTER stated: "I hear you dog, I hear you. I
8 ain't complaining (unintelligible), you know what I mean? It's just a problem (unintelligible)
9 just asking help me do my shit quicker ya know, make me get back at you quicker (unintelligible)
10 it's gonna be smooth, that's all." ABBATE stated: "I got some new good ones though, so I mean
11 . . . yep . . . just give me a call. . . . How much of that do you got? How much of that one you
12 got?" CARTER responded: "Like eighteen (grams) left." ABBATE later stated: "Man, you have
13 no problems with that, man, if it's all the same, I'll come get that shit." CARTER stated: "Man,
14 if you don't mind, I'd appreciate it." ABBATE asked: "Is it big pieces, small pieces, how's it
15 look?" The two continued to talk about the methamphetamine. Near the end of the
16 conversation, ABBATE stated: "I'll call you when I get down that way, so give me like an hour
17 or something."

18 10. Based upon the context of this call, my training and experience, and the training
19 and experience of other law enforcement officers and agents working on this investigation, I
20 believe that this intercepted communication evidences the fact that CARTER previously
21 purchased methamphetamine from ABBATE, as I believe that CARTER was complaining about
22 the quality of the same. Furthermore, CARTER asked to exchange the remaining eighteen grams
23 he had left for a new batch of methamphetamine from ABBATE, and ABBATE agreed. I
24 believe that this communication also evidences CARTER's intent to resell the
25 methamphetamine, as he discussed problems selling the specific batch of methamphetamine
26 about which he was complaining.

27 **IV. CONCLUSION**

28 11. For the reasons stated above, I believe there is probable cause to believe that, on

1 or about January 29, 2011, Reginald Shaun CARTER knowingly and intentionally possessed
2 with intent to distribute a Schedule II controlled substance, namely, a mixture and substance
3 containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). I
4 respectfully request that the Court issue the requested criminal complaint and arrest warrant.

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8 
Patrick Joseph Ernst
Special Agent, Federal Bureau of Investigation

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10 Sworn to before me this
11 20th day of April 2011.

12 
HONORABLE LAUREL BEELER
13 UNITED STATES MAGISTRATE JUDGE
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 21 U.S.C. § 841(a)(1), Possession With Intent To Distribute A
 Schedule II Controlled Substance (Methamphetamine)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

See Attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

Reginald Shaun CARTER

DISTRICT COURT NUMBER

4-11-70450

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☒
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges
-
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☒ U.S. Attorney ☐ Other U.S. Agency☐ This report amends AO 257 previously submitted

Name of Assistant U.S. Attorney (if assigned) JAMES C. MANN, AUSA

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

ATTACHMENT TO PENALTY SHEET

21 U.S.C. § 841(a)(1), Possession With Intent To Distribute A Schedule II Controlled Substance (Methamphetamine).

Depending upon the weight and/or purity of the methamphetamine and whether an 851 Information alleging prior felony narcotics conviction is filed:

- | | | |
|-----|---------------------|--|
| (1) | Imprisonment: | Possible Maximum Life Imprisonment
Possible Mandatory Minimum 5, 10, or 20 Years Imprisonment |
| (2) | Fine: | Possible Maximum \$8,000,000 |
| (3) | Supervised Release: | Possible Maximum Lifetime
Possible Mandatory Minimum 4, 5, 8, or 10-Years |
| (4) | Special Assessment: | \$100.00 |